



Section 9

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

Recommended Language

The complaint system will be an extension of the secretary of state's office general election information line and implementation will be subject to funding.

The secretary of state will develop a unified statewide complaint system for the tracking, management and conduction of hearings to address complaints revolving around election issues. The unified statewide system will provide secure online access and phone call center access for complaint processing to the secretary of state and their designee, county recorders and county election officials. The system will also provide secure online review of the complaint by the submitter. The nature of the complaints contained within the system will be treated as suspected violations of the Help America Vote Act of 2002 (HAVA), Title III and therefore pertain to the processes of voter registration, voting and election reporting. Since multiple jurisdictions from the county, state and possibly localities will be working in coordination to resolve the complaints, the Administrative Procedure Act does not apply to this system.

When an issue arises on the general information line that is deemed a voting rights violation by the secretary of state or their designee addressed in Title III of HAVA and is requested further attention by the caller, the caller will be given a tracking number and directed to complete a complaints form, notarize the form, and send it back via facsimile and postal services. Upon receiving the formal complaint, the secretary of state's office shall assign the complaint tracking number and begin the resolution process which will include, but is not limited to:

- initial contact with the complainant indicating the complaint has been received and current status;
- if the complaint is transmitted via facsimile, it will be logged until the original notarized paper complaint is received. In the case the paper is not received, the secretary of state may postpone action until such time the original notarized paper arrives;
- the secretary of state, or their designee, will decide the resolution of the complaint. They may use mail, email, facsimile or other messaging service to correspond such information with the complainant;



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

- in the event the complaint is of similar nature with other pending complaints, the secretary of state may consolidate complaints into a new tracking number and notify the complainants of the changed status;
- in the event that a hearing is requested, the secretary of state or their designees, may use conferencing, tele-conferencing and/or other electronic forums to address the issue with the parties involved. The complainant must agree to one of these options;
- upon final disposition of the complaint, the secretary of state will report the complaint, findings and disposition in writing to the complainant;
- If a remedy is required to address the final disposition of the complaint, the secretary of state, or their designee, shall notify the complainant at such time the remedy is applied.

All complaints shall be addressed by the secretary of state or their designee, within 90 days of receiving the complaint unless the secretary of state determines a longer period is required for resolution and the complainant agrees to the extension.

If the complaint is not resolved within the 90 days after reception of the complaint, or extension of the expiration as agreed upon with the complainant, the complainant may seek alternative dispute resolution.

Upon request of alternative dispute resolution, the secretary of state will refer the complaint to the attorney general's office, and/or the Department of Justice, depending on the nature of the violation or complaint for resolution.

The unified complaint system shall contain for each formal complaint, at minimum:

- name and address of the complainant;
- date and nature of complaint;
- relevant records and minutes; and
- disposition of the complaint

A record of the complaint will exist for a minimum of one federal election following the current federal election cycle.